

Message Text

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PAGE 01 STATE 155300
ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 ACDA-10 CIAE-00 INR-07 IO-14
NSAE-00 NSC-05 EB-07 NRC-07 OES-07 FEAE-00
DODE-00 ERDA-07 SS-15 SP-02 PM-04 TRSE-00 JUSE-00
SSO-00 NSCE-00 INRE-00 /099 R

DRAFTED BY L/OES:RJBETTAUER:AL
APPROVED BY L/OES:RJBETTAUER
NEA - MR. KUX
DESIRED DISTRIBUTION
OES, PM, S/P, T/D, ACDA, ERDA, NRC, NSC
-----057948 051555Z /45
O 051529Z JUL 77
FM SECSTATE WASHDC
TO AMEMBASSY NEW DELHI IMMEDIATE
AMCONSUL BOMBAY IMMEDIATE

UNCLAS STATE 155300

E.O. 11652: N/A

TAGS: TECH, IN, ENRG

SUBJECT: TARAPUR

REF: STATE 153214

1. THIS AND OTHER TELS TRANSMIT FYI PAPERS SUBMITTED BY
DEPARTMENT OF STATE (THROUGH JUSTICE) TO U.S. COURT OF
APPEALS ON JULY 5. FOLLOWING IS AFFIDAVIT OF JOSEPH S.
NYE, WHICH WAS ATTACHED TO DEPT SUBMISSIONS.

2. BEGIN TEXT

AFFIDAVIT OF JOSEPH S. NYE, JR.

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I, JOSEPH S. NYE, JR., DEPOSE AND SAY:

1. I AM DEPUTY TO THE UNDER SECRETARY OF STATE FOR
SECURITY ASSISTANCE. I HAVE HELD THIS POSITION SINCE
JANUARY 27, 1977.

IN THIS POSITION I HAVE BEEN ASSIGNED
PRIMARY RESPONSIBILITY IN THE DEPARTMENT OF STATE AND IN

THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT FOR DEVELOPMENT AND IMPLEMENTATION OF THE UNITED STATES' NUCLEAR NON-PROLIFERATION POLICY, SUBJECT TO THE DIRECTION OF THE SECRETARY OF STATE AND THE PRESIDENT OF THE UNITED

STATES. IN THIS CAPACITY, I SERVE AS CHAIRMAN OF THE NATIONAL SECURITY COUNCIL INTERAGENCY AD HOC GROUP ON NON-PROLIFERATION. PRIOR TO ASSUMING MY CURRENT POSITION, I WAS A PROFESSOR OF GOVERNMENT AT HARVARD UNIVERSITY.

2. SINCE ASSUMING MY CURRENT POSITION, I HAVE PARTICIPATED IN THE DEVELOPMENT OF THE POLICY OF THE UNITED STATES GOVERNMENT CONCERNING THE EXPORT OF SPECIAL NUCLEAR MATERIAL AND THE DEVELOPMENT AND IMPLEMENTATION OF THE GOVERNMENT'S NUCLEAR NON-PROLIFERATION POLICY. THESE POLICIES HAVE UNDERGONE SUBSTANTIAL REVIEW AND MAJOR REVISION UNDER THIS ADMINISTRATION. SPECIFICALLY, I AM FAMILIAR WITH THESE POLICIES AS THEY RELATE TO RELATIONS BETWEEN THE UNITED STATES AND THE GOVERNMENT OF INDIA.

3. IN THE COURSE OF THE FORMULATION OF THIS ADMINISTRATION'S POLICIES CONCERNING THE EXPORT OF NUCLEAR MATERIAL, I HAVE BECOME THOROUGHLY FAMILIAR WITH THE CONSIDERATIONS CONCERNING THE SHIPMENT OF SPECIAL NUCLEAR MATERIAL UNDER LICENSE XSNM-845 FOR THE TARAPUR REACTORS. THESE CONSIDERATIONS HAVE BEEN DEALT WITH AT THE HIGHEST LEVELS

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OF THE UNITED STATES GOVERNMENT AND HAVE BEEN, SPECIFICALLY, APPROVED BY PRESIDENT CARTER. THEY ARE INVOLVED IN SENSITIVE ONGOING DISCUSSIONS BETWEEN THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF INDIA CONCERNING NUCLEAR NON-PROLIFERATION. SUCH DISCUSSIONS ARE ENVISAGED ON BOTH A TECHNICAL LEVEL AS WELL AS A BROADER POLICY LEVEL DEALING WITH MORE GENERAL NON-PROLIFERATION ISSUES.

4. AFTER THIS GOVERNMENT'S POLICY WAS DETERMINED WITH RESPECT TO THIS PARTICULAR EXPORT LICENSE (XSNM-845), THE GOVERNMENT'S BASIC POSITION WAS DISCUSSED WITH INDIAN PRIME MINISTER DESAI. IN CARRYING OUT THESE CURRENT NEGOTIATIONS, I MET WITH THE INDIAN FOREIGN SECRETARY ON JUNE 10, 1977, AND HAVE SCHEDULED FURTHER DISCUSSIONS IN INDIA ON OR ABOUT JULY 21, 1977.

5. THE POSITION OF THE UNITED STATES GOVERNMENT WITH RESPECT TO THE SHIPMENT OF NUCLEAR MATERIAL UNDER XSNM-845 IS INTEGRALLY RELATED TO THE CURRENT AND ONGOING DISCUSSIONS AND NEGOTIATIONS WITH THE GOVERNMENT OF INDIA. A FAILURE TO LIFT THE SUSPENSION OF THE

LICENSE ISSUED BY THE NUCLEAR REGULATORY COMMISSION
MAY HAVE A SERIOUS AND ADVERSE IMPACT UPON THE CONDUCT
OF THESE IMPORTANT FOREIGN POLICY INITIATIVES AND
NEGOTIATIONS AS WELL AS THEIR OUTCOME.

THE STATEMENTS SET FORTH IN THIS AFFIDAVIT ARE MADE UNDER
PENALTY OF PURJURY.

(SIGNED) JOSEPH S. NYE, JR.

END TEXT VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR COOPERATION PROGRAMS, NUCLEAR FUELS
Control Number: n/a
Copy: SINGLE
Sent Date: 05-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE155300
Document Source: CORE
Document Unique ID: 00
Drafter: RJBETTAUER:AL
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770238-0247
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770791/aaaadbta.tel
Line Count: 125
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: bf155171-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Page Count: 3
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Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 153214
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1965027
Secure: OPEN
Status: NATIVE
Subject: TARAPUR
TAGS: TECH, ENRG, IN
To: NEW DELHI BOMBAY
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/bf155171-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
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